

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>In re:</b>	:	
	:	<b>Case No.: 20-14528</b>
<b>Pierre R Paul</b>	:	<b>Chapter 13</b>
	:	<b>Judge Magdeline D. Coleman</b>
<b>Debtor(s)</b>	:	<b>*****</b>
	:	
<b>MidFirst Bank</b>	:	<b>Date and Time of Hearing</b>
	:	<b>Place of Hearing</b>
<b>vs</b>	:	<b>June 20, 2023 at 10:30 a.m.</b>
	:	
<b>Pierre R Paul</b>	:	
<b>Tamia J. Paul</b>	:	
<b>Kenneth E. West</b>	:	
<b>Respondents.</b>	:	

**MOTION OF MIDFIRST BANK FOR RELIEF FROM THE AUTOMATIC STAY AND  
CODEBTOR STAY AS TO TAMIA J. PAUL ON FIRST MORTGAGE FOR REAL  
PROPERTY LOCATED AT 7517 MAYLAND STREET, PHILADELPHIA, PA 19138**

MidFirst Bank ("Creditor"), by and through the undersigned counsel, moves the Court pursuant to 11 U.S.C. § 362(d) for an Order granting relief from the automatic stay and pursuant to 11 U.S.C § 1301 granting relief from the codebtor stay as to Tamia J. Paul on the real property located at 7517 Mayland Street, Philadelphia, PA 19138 ("Property"). In support of its motion, Creditor states the following:

1. Pierre R Paul ("Debtor") filed a petition for relief under Chapter 13 of the Bankruptcy Code on November 23, 2020 (the "Petition Date").
2. On March 4, 2018, Debtor executed a Note in the original amount of \$160,001.00 (the "Note"). A copy of the Note is attached hereto as Exhibit A.
3. To secure the Note, a Mortgage, executed by Debtor and Tamia J. Paul ("Codebtor"), was given March 4, 2018, and recorded March 19, 2018. A copy of the Mortgage and subsequent Assignments of Mortgage are attached as Exhibit B, evidencing perfection of

Creditor's security interest in the Property which is more particularly described in the Mortgage.

4. There are other liens against the property as listed in Debtor's Schedule D.
5. As of May 19, 2023, the total outstanding amount due on the Note is \$155,364.38 which consists of:

Principal	\$147,703.05
Interest	\$5,540.67
Escrow Advance	\$2,837.68
Late charges	\$0.00
Other Fees	\$1,245.00
Suspense funds	\$(1,962.02)

6. Creditor seeks relief from the automatic stay pursuant to 11 USC § 362(d) and the codebtor stay pursuant to 11 USC § 1301 to proceed under applicable non-bankruptcy law to enforce its remedies and to take any and all actions necessary to accelerate the balance due on the Note, to foreclose the Mortgage in accordance with state law, to apply the net proceeds to the obligation, and to otherwise exercise its contractual and state law rights as to the Property.
7. Creditor is entitled to relief from the automatic stay for the following reason(s):
  - a. Creditor is not adequately protected per 11 USC § 362(d)(1) based upon Debtor's post-petition default.
  - b. Debtor and Codebtor are in default post-petition. Debtor and Codebtor have failed to make full post-petition payments for the past 10 months as of May 19, 2023 and are in default in the amount of \$10,940.72. This amount is broken down as follows:

<b><u>Post Petition Payments Delinquent to Creditor</u></b>		
<b>Date Range</b>	<b>Amount</b>	<b>Total</b>
August 2022 to January 2023	\$1,100.18	\$6,601.08
February 2023 to May 2023	\$1,144.99	\$4,579.96

Suspense: \$(240.32)
Total: \$10,940.72

8. Creditor requests that the Court order that Rule 4001(a)(3) is not applicable.
9. Creditor further requests that further compliance with Fed.R.Bankr.P. 3002.1 be waived as to creditor in the instant bankruptcy case upon entry of an Order granting relief from the automatic stay.

WHEREFORE, Creditor prays for the entry of an Order Granting Relief from the Automatic Stay and the Codebtor Stay.

Respectfully submitted,

/s/ Adam B. Hall

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The case attorney for this file is Adam B. Hall.  
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: **Date and Time of Hearing**  
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: **Tamia J. Paul**  
: **Kenneth E. West**  
**Respondents.** :

**CERTIFICATE OF SERVICE**

I certify that on the date of filing, a copy of the foregoing Motion of MidFirst Bank for Relief from the Automatic Stay and Codebtor Stay as to Tamia J. Paul on First Mortgage for Real Property located at 7517 Mayland Street, Philadelphia, PA 19138 was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

KENNETH E. WEST, Office of the Chapter 13 Standing Trustee,  
ecfemails@ph13trustee.com

BRAD J. SADEK, Attorney for Pierre R Paul, brad@sadeklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S.

Mail to the following:

Pierre R Paul, 93 Old York Road, Suite 1-754, Philadelphia, PA 19046

Tamia J. Paul, 7517 Mayland Street, Philadelphia, PA 19138

Fccfinance, Po Box 795489, Dallas, TX 75379

/s/ Adam B. Hall